

NOTICE OF APPEAL

TO

U.S. COURT OF APPEALS, THIRD CIRCUIT

FILED

MAY 8 2008

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

CIRCUIT COURT

DOCKET NUMBER:

(leave blank)

U.S. District Court for the District of Delaware

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

Jerid Cubbage

v.

Perry Phelps, WardenDISTRICT COURT
DOCKET NUMBER: 05-798-GMSDISTRICT COURT
JUDGE: Gregory M. SleetNotice is hereby given that Jerid Cubbage

(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [] Judgment, [X] Order,

[X] Other (specify) Memorandum Opinionentered in this action on April 16, 2005
(date)Dated: April 29, 2005Jerid Cubbage, Pro Se
(Counsel for Appellant-Signature)

(Name of Counsel - Typed)

(Counsel for Appellee)

(Address)

(Address)

(City, State Zip)

(City, State Zip)

(Telephone Number)

(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

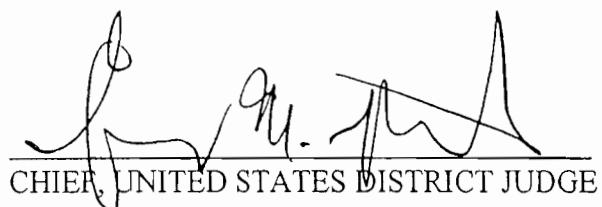
JARID L. CUBBAGE,)
Petitioner,)
v.) Civ. A. No. 05-798-GMS
PERRY PHELPS, Warden,)
and JOSEPH J. BIDEN, III, Attorney)
General of the State of Delaware,)
Respondents.)

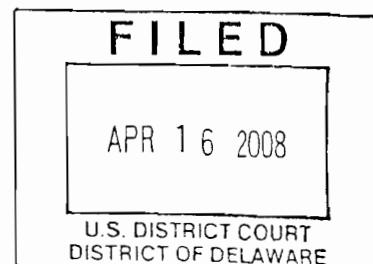
ORDER

For the reasons set forth in the Memorandum Opinion issued this date, IT IS HEREBY ORDERED that:

1. Petitioner Jarid L. Cubbage's petition for the writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is DISMISSED, and the relief requested therein is DENIED. (D.I. 2; D.I. 8.)
2. The court declines to issue a certificate of appealability for failure to satisfy 28 U.S.C. § 2253(c)(2).

Dated: April 16, 2008


CHIEF, UNITED STATES DISTRICT JUDGE



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